IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 1768 OF 2006

Rajendra K. Jani and anr. ... Petitioners

V/s.

The Mumbai Municipal Corp.for Gr. Mumbai & Ors. ... Respondents

Mr. H.S.S. Murthi for the petitioner.
Mr. A.K. Savla for respondent No.1.
Mr. P.C. Kansara for respondent Nos. 2 to 4.

CORAM : F.I. REBELLO &
ANOOP V. MOHTA,JJ.
DATED : 6th October, 2006

P.C.

. On behalf of Corporation the learned counsel makes statement that respondent Nos. 2 to 4 have already filed suit in City Civil Court bearing No. 622 of 2006. The present petitioners are tenants or occupants in the said structure. They have some grievances against the action of respondent Nos. 2 to 4. It is not necessary for us to go into that controversy. Suffice it to say that it will be proper that the controversies are decided in a suit to be instituted by petitioners in City Civil Court. On behalf of respondent Corporation, the learned counsel makes statement that notice u/s 527 of the BMC Act has already been received by them which is dated 18th July, 2006.

2. The inerim relief granted by this court on 12th September, 2006 and 4th August, 2006 in terms of prayer clause (b) will be continued for a further period of six weeks from today.

3. We make it clear that we have not decided the issues in controversy. All the question are left to be decided by City Civil Court.

4. With the above observations the petition is dismissed as withdrawn with liberty as prayed for.

[F.I. REBELLO, J.]

[ANOOP V. MOHTA, J.]